

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) NAIR RODRIGUEZ, as next of kin to,)
the ESTATE of LUIS RODRIGUEZ,)
2) NAIR RODRIGUEZ, individually, and)
3) LUINAH RODRIGUEZ, individually,)
Plaintiffs,)

vs.)

Case No. CIV-2016-150-D

1) WARREN THEATRES, LLC,)
OKLAHOMA,)
2) WARREN THEATRES, LLC,)
3) BRIAN CLARKSTON,)
4) TYLER HOWSER,)
5) CHAD STRANG,)
6) THE CITY OF MOORE ex rel. THE)
MOORE POLICE DEPARTMENT,)
7) JOSEPH BRADLEY,)
8) RYAN MINARD,)
9) MIDWEST REGIONAL MEDICAL)
CENTER EMS,)
10) MIDWEST REGIONAL MEDICAL)
CENTER, LLC,)
11) GUY RODOLPH, and)
12) JASON SMITH,)
Defendants.)

Removed from the District
of Oklahoma County, OK
Case No. CJ-2015-357

PLAINTIFF'S MOTION FOR DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiffs, Nair Rodriguez, Luinahi Rodriguez, and Nair Rodriguez as Personal Representative of the Estate of Luis Rodriguez , pursuant to Fed. R. Civ. P. 41(a)(2), and submits the following Motion for Dismissal without Prejudice for the entry of an order dismissing the case without prejudice. In support, Plaintiffs would state as follows:

1. That on or about February 14, 2014, Luis Rodriguez (hereinafter referred to as Deceased) attended a movie with his wife, Nair Rodriguez, and daughter, Luinahi Rodriguez.
2. That following the movie, the Defendant officers and game wardens approached the Rodriguez family inquiring into the details of a disciplinary action taken against Luinahi by Nair.
3. That after being informed that Nair slapped Luinahi, Defendant officers and game wardens continued to harass Luis Rodriguez, ultimately using physical force which resulted in his suffocation and death.
4. Due to another death in her family, Plaintiff has had to temporarily relocate to Puerto Rico for an undetermined amount of time.
5. Obviously, this will result in significant travel expense for the Plaintiff and as she is unemployed, she does not have the means to travel back and forth to Oklahoma from Puerto Rico in order to continue pursuing justice for her husband at this time.
6. Rather than burden this Court, Plaintiff would request dismissal of this matter without prejudice, pursuant to Fed. R. Civ. P. 41(a)(2) and 12 O.S. § 100.

WHEREFORE, all premises considered, Plaintiff respectfully requests the Court dismiss its claims against the above-named Defendants, without prejudice.

Respectfully submitted,

By: s/ Marissa T. Osenbaugh

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies above instrument was electronically filed using the CM/ECF system of the United States District Court for the Western District of Oklahoma on the 20th day of March, 2017 and that a copy of the same was electronically transmitted to the following:

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